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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 || VALLIER WILLIAM TOMPKINS, III.

10 || Petitioner,

11 | VS.

12 || WARDEN BACA, et al.,

13 || Respondents.

Case No. 3:13-cv-00535-RCJ-WGC

ORDER

15 The court directed petitioner to show cause why this action should not be dismissed as
16 unexhausted. Order (#3). Petitioner has not responded to the court's order within the allotted time.
17 The court will dismiss this action as unexhausted.

Reasonable jurists would not find the court's conclusions to be debatable or wrong, and the court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for petitioner's failure to exhaust his available state-court remedies. The clerk of the court shall enter judgment accordingly.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

24 || Dated: August 26, 2014.


ROBERT C. JONES
United States District Judge